

**REMARKS**

Upon entry of this amendment, claims 1, 2, 4-15, 17, and 23-27 will be active in the case. Favorable reconsideration is requested.

The present invention relates to a composition for treating skin consisting of beeswax and a specific combination of olive oil, sunflower oil, almond oil, cod liver oil, and castor oil, along with added vitamins and a pharmaceutically acceptable excipient and preservative. The applicants have found that this combination is highly effective for treating burns and promoting healing while imparting a relatively non-greasy feeling to the treated area.

Claim 18 is rejected under 35 USC 112, second paragraph as being indefinite and outside the scope of claim 1, which uses closed "consisting of" language. In order to advance prosecution, claim 18 has been cancelled without prejudice or disclaimer.

Claims 1, 2, 4-15, 17, 22 and 24-27 are rejected under 35 USC 103(a) over George in view of Soto, Arhens, Kaplan and Slimak.

George discloses a medicinal preparation for skin having a combination of cod liver oil and castor oil only. The fish oil is said to act as a vehicle for the castor oil (column 2, lines 24-26). The castor oil is for preventing the growth of scar tissue, while the fish oil controls the caustic action of the castor oil (column 2, lines 43-48). However, the components of the present invention corresponding to a "vehicle" are beeswax and a pharmaceutically acceptable excipient, such as liquid petroleum jelly and stearic acid. Therefore, a person of skill in the art would not need the cod liver oil of George as a vehicle. Nor would there be any reason to modify the composition of George by adding beeswax (or any of the other oils recited in the claims, i.e., olive oil, sunflower oil and almond oil,) since cod liver oil is already serving the vehicle function. Accordingly, a person of skill in the art would not have been motivated to combine the references to arrive at the specific combination of beeswax and five distinct oils plus an excipient, as claimed.

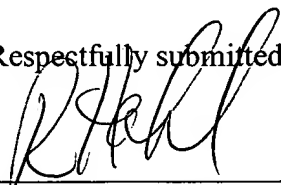
Soto is cited for teaching the use of olive oil and beeswax to treat skin injuries. Slimak teaches a composition comprising beeswax and oil for the treatment of skin.

The examiner concedes that neither George or the combination of Soto, Arhens, Kaplan and Slimak teach compositions containing all of the claimed components, and merely show that all of those components are well known and commonly used in the art. But in combining those

Furthermore some ingredients, such as the "vehicle" of George, are duplicated by other components in the product that would arise from a simple combination of Slimak, Arhens, Kaplan and Soto. A person of skill in the art would not naturally seek to use all those ingredients, because some are merely serving the same function as different ingredients in the hypothetical composition framed from the combined references.

Accordingly, the claimed mixture consisting of five specific oils and beeswax plus excipient would not have been obvious within the meaning of 35 USC 103(a).

Respectfully submitted,



Gilberto M. Villacorta, PH.D.  
Registration No. 34,038  
Robert W. Hahl, PH.D.  
Registration No. 33,893

Attachment: Petition for Extension of Time

Dated: December 16, 2004

Patent Administrator  
KATTEN MUCHIN ZAVIS ROSENMAN  
525 West Monroe Street, Suite 1600  
Chicago, Illinois 60661-3693  
Facsimile: (312) 902-1061